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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hak-goo Lee

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

TRAN, CONGVAN

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

04/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/751,436	Applicant(s) LEE ET AL.	
	Examiner CongVan Tran	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1,6,7,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 16-17 have been amended.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 16-17 are rejected under 35 U.S.C. 101 because any other computer-readable storage medium could be reasonably interpreted as being a signal or carrier wave embodying the computer program, particularly with consideration of the fact that the program can be loaded into a computer, or transmitted over some transmission medium, such as over electrical wiring or cabling through fiber optics, or via electromagnetic radiation therefore, the disclosed invention is inoperative and therefore lacks utility (see specification, paragraph [000072], indicates: " The computer readable recording medium may be any type of medium on which data which can be read by a computer system can be recorded, for example, a ROM, a RAM, a CD-ROM, a magnetic tape, a floppy disc, or an optical data storage device. **The present invention can also be realized as carrier waves (for example, transmitted through Internet)**").

Response to Arguments

4. Applicant's arguments filed Jan. 21, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument of claim 1, that "Examiner has not identified what component of Borella allegedly correspond to the claimed apparatus of claim 1".

Examiner respectfully disagrees with this allegation. All the components have been declared in rejection issued on Oct. 17, 2008.

Further, In response to applicant's argument, that "Borella does not disclose or suggests at least a database, which store information indicating whether the home agent operate normally according to the result of the analysis". Examiner disagrees, the Home agent 110 and Foreign Agent 106 Home Agent control Node 116, couple to the Internet Protocol (IP) 112, Home Agent control Node 116, and also have the same structure and these feature are well known in the art to store the data information and has processor to analyze the data packet has been described in previous rejection as , packet analyzer 204, database 210/206.

In col.11, lines 12-24, Examiner read as: the Home Agent (HA) receives a mobile request then analyzing the distributed load information to determine the normal operation of that Home Agent (HA) if not it (HA) will pass the mobile request to another Home Agent. With broadest reasonable interpretation therefore the previous rejection is proper for "a home agent function executor, which performs a home agent function in place of said at least one home agent when said at least one home agent does not operate normally (see figs.1-2, home agent function executor 116, col.11, line 12-24)col.5, lines 41-47 and whole document).

Claims 7 and 17 are rejected base on similar reason set forth above.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-7 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Borella et al. (7,218,609).

Regarding claim 1, Borella discloses a method and system of transferring session speed and state information between access and home networks, comprising:

a packet analyzer, which receives a packet and analyzes the packet (see figs.1-2, Home/Foreign agent 110/106, packet analyzer 204, note functions of the HAs same as FAs); a database, which stores information indicating whether said at least one home agent operates normally according to the result of the analysis (see figs.1-2, Home/Foreign agent 110/106, database 204, note functions access network of the HAs same as FAs, col.11, lines 12-24 and whole document); and a home agent function executor, which performs a home agent function in place of said at least one home agent when said at least one home agent does not operate normally (see figs.1-2, home agent function executor 116, col.5, lines 41-47 and whole document).

Regarding claim 6, Borella further discloses a received packet storage unit, which stores the received packet (see figs.1-2, Home/Foreign agent 110/106, database 204, note functions access network of the HAs same as FAs, and whole document).

Regarding claims 7, and 16, Borella discloses a method and system of transferring session speed and state information between access and home networks,

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comprising: determining whether a home agent operates normally using a database, which stores information on home agents that do not operate normally (see figs.1-2, home agent function executor 116, col.5, lines 41-47 and whole document); and when it is determined that the home agent does not operate normally, performing a home agent function in place of the home agent (see figs.1-2, Home/Foreign agent 110/106, database 204, note functions access network of the HAs same as FAs, col.11, lines 12-24 and whole document).

Allowable Subject Matter

3. Claims 12-15 are allowed.
4. Claims 2-5, and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/
Primary Examiner, Art Unit 2617